

REMARKS

I. Status of Claims

Claims 14-24 are pending in this application. Claims 1-13 were previously canceled without prejudice to and/or disclaimer of the subject matter therein. Claims 14 and 23 are independent. Claims 14, 17, and 20 are currently amended. Claims 22-24 are newly added. Support for the additional claim language can at least be found in paragraphs [0060], [0064], and [0069] of the application as published. Thus, the Applicant believes that no new matter is added.

The disclosure is objected to for a minor informality.

Claims 14-21 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kikuchi et al. (USP 6,833,210) (“Kikuchi”) in view of Inoue et al. (US 2002/0055027) (“Inoue”).

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Specification

The Applicant respectfully submits that the specification is amended to correct the minor informality pointed out by the Examiner in paragraph 1) of the Office Action. Accordingly, the Applicant respectfully requests withdrawal of this objection.

III. Pending Claims

Claims 14 and 23 are the only independent claims. Claim 14 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kikuchi in view of Inoue.

The Applicant respectfully submits that claim 14 is patentable over the cited references at least because it recites, *inter alia*, “...wherein said back-up being located on one side of said separator and a portion of the seal line located on the other side of said separator being disposed such that said back-up and said portion of said seal line are **overlapped** with each other in a fuel cell stacking direction....” (emphasis added)

The Applicant respectfully submits that newly added claim 23 is patentable over the cited references at least because it recites, *inter alia*, “...wherein said back-up being located on one

side of said separator and a portion of the seal line located on the other side of said separator being disposed such that said back-up and said portion of said seal line are **overlapped** with each other in a fuel cell stacking direction...” and “...wherein said back-up is formed at the at least one of said connecting gas passage and said connecting coolant passage at a portion of said separator where the **seal does not exist.**” (emphasis added)

Certain embodiments of the present invention relate to an interrupted back-up 42, 43 (i.e., the interrupted back-up 42 at the connecting gas passage 40 and the interrupted back-up 43 at the connecting coolant passage 41) which is located at a first surface of a separator 18 and a portion of the continuous seal line 32, 33 which is located at a second, opposite surface of the separator 18. A portion of the seal line 32 corresponds in position in the fuel cell stacking direction to the interrupted back-up 42 and a portion of the seal line 33 corresponds in position in the fuel cell stacking direction to the interrupted back-up 43. Thus, these portions **are overlapped to each other in the fuel cell stacking direction S, as illustrated in FIG. 1 and in a portion "A" of FIG. 2.**

Since the interrupted back-up 42, 43 is formed on at least one of the connecting gas passage 40 and the connecting coolant passage 41, and the interrupted back-up 42, 43 and the continuous seal line 32, 33—located on the backside of the interrupted back-up 42, 43 via the separator 18, **are overlapped in the fuel cell stacking direction**, the continuous seal line 32, 33 and the separator 18 are backed-up or supported by the interrupted back-up 42, 43 in the fuel cell stacking direction.

As a result, even when a gas pressure acts on the separator 18, the separator 18 will not be deformed toward the connecting passages 40, 41 and will not be separated from the continuous seal line 32, 33. Consequently, it is respectfully submitted that the sealing characteristic and stability of the continuous seal will be well maintained. *See* paragraphs [0060] and [0069] of the application as published. Accordingly, claim 14 of the present application recites “...such that said back-up and said portion of said seal line are **overlapped** with each other in a fuel cell stacking direction....” Similarly, newly added claim 23 recites “...such that said back-up and said portion of said seal line are **overlapped** with each other in a fuel cell stacking direction...” and “...wherein said back-up is formed at the at least one of said

connecting gas passage and said connecting coolant passage at a portion of said separator where the **seal does not exist.**"

To address the above-identified language of claim 14, for example, the Office Action contends that, "...the back-up located on one side of the separator and a portion of seal line located on the other side of the separator being disposed such that said back-up and the portion of the seal line are overlapped with each other in a fuel cell stacking direction." See page 3 of the Office Action. However, the Applicant respectfully submits that the record is not clear as to which portion(s) of Kikuchi the Office Action is relying upon (if any) as equating to each and every limitation of the Applicant's claims. For example, the Applicant's specification shows front and rear views of the separator plate. In contrast, it is respectfully submitted that that Kikuchi only shows one side, thus, it is not clear how it describes the limitations "...wherein said back-up being located **on one side** of said separator and a portion of the seal line **located on the other side** of said separator...." Having said that, it is respectfully submitted that neither Kikuchi nor Inoue describe or teach a seal structure of a fuel cell as claimed in the inventions of claims 14 and 23.

Further, as discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), the Applicant respectfully submits that it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to modify Kikuchi/Inoue in the manner as claimed by the Applicant. The Applicant respectfully submits that obviousness cannot be sustained on mere conclusory statements. It is also not proper under 35 U.S.C. § 103 to use Applicant's invention as a blueprint to pick and choose unrelated features of unrelated references to reproduce, in hindsight, Applicant's invention.

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 14 and 23, as well as their dependent claims, are patentable over the cited references.

IV. Conclusion

In view of the foregoing discussion, the Applicants respectfully submit that the present application is in all aspects in allowable condition. Favorable reconsideration and early issuance of a Notice of Allowance are therefore respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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